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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

R.P.No. 12/95 in O.A. 61/90

The Presidency Post Master
(Now Director, Bombay GPO)

.. Petitioners
(Original Respondents)

Vs.

Shri. Laxman Vinayak Nene
& 12 Ors.

.. Respondents
(Original applicants)

CORAM : 1. Hon'ble Shri. Justice M.S. Deshpande, Vicechairman
2. Hon'ble Shri. M.R. Kolhatkar, Member (A)

ORDER ON R.P BY CIRCULATION

DT. 31-1-95

(Per : Shri. M.R. Kolhatkar, Member (A))

O.A. 61/90 was decided by this Tribunal on 6/4/94 and the Tribunal held that the retired workers of the Postal Department were entitled to pay at the same rate as ~~as~~ the RTP Workers following the judgment of Madras Bench in O.A 533/93 (V. Raghavan & 34 Others Vs. Union of India decided on 27.7.1990) In the R.P the main ground is that since then a Division Bench at Bangalore in O.A. 10/94 and 674 to 735/94 decided ^{in identical circumstances} on 13/04/1994, has dismissed the O.A.s. The original respondents have therefore requested to review the order and to re-hear the matter on merits.

2. We note that the order of Madras Bench was also an order of Division Bench and which was prior in order of time. The order of Bangalore Bench ~~also~~ without going to the merits ^{of} ~~was also a co-ordination~~ Bench and was subsequent in time. In such a situation, the judicial ~~decision~~ ^{discipline} requires that we follow the order

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of a Division Bench earliest in point of time.

Co-ordinating Bench is not expected to differ with the ratio laid down by another co-ordinating bench and the correct procedure would be to refer the matter to a larger Bench. We do not want to go ^{further} into the propriety of what has been done by the Bangalore Bench and we only want to observe that the grounds ~~served~~ ^{made out} by the petitioners/original respondents ~~do not appeal to us~~. There ~~are~~ also no grounds which are within the parameters of Order 47, Rule 1 of C.P.C. The R.P. therefore, is rejected.

M.R.K. Letter

(M.R.KOLHATKAR)
MEMBER (A)

MSD
(M.S.DESHPANDE)
VICE-CHAIRMAN

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